

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Staunton et al. **EXAMINER:** Gilbert, Andrew M.
SERIAL NO.: 10/765,516 **GROUP ART UNIT:** 3767
FILED: January 26, 2004 **ATTY DOCK. NO.:** 60,210-212
FOR: TWO SITE INFUSION APPARATUS

RESPONSE TO RESTRICTION REQUIREMENT
WITH TRAVERSE

Mailstop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement presented in the office action dated February 23, 2006, Paper No./Mail Date 02162006, Applicant elects Species II (embodiment shown in Figures 9-17) with traverse. Currently, all of the claims pending in the application, namely claims 1-23, are generic to both Species I and Species II, and therefore, read on both Species I and Species II.

Under 37 CFR §1.141(a), an application can claim more than one distinct species, not to exceed a reasonable number, so long as the application also includes an allowable generic claim embracing the distinct species. Currently, claims 1-23 are generic to all claimed species identified by the Examiner (Species I, Figures 1-8 and Species II, Figures 9-17). Therefore, Applicant respectfully submits that generic claims 1-23 include sufficiently few species that a search and examination of all the species at one time would not impose a serious burden on the Examiner. In addition, Applicant believes that both Species I and II can be fully searched in a single patent classification, namely Class/Subclass 604/246 directed to "Means for Controlling Material Flow to or from Body, or Metering a Predetermined Dose or Amount." As a result, Applicant respectfully requests that the Examiner withdraw the voluntary restriction of species and instead examine all

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species of the claimed invention.

Applicant believes that no additional fees are required, except for the fees included in the attached check, if any. In any event, however, the Commissioner is authorized to charge our Deposit Account No. 08-2789 for any additional fees or credit the account for any overpayment.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

March 24, 2006
Date

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